

Before the
Federal Communication Commission
Washington, DC 20554

In the Matter of)	
Advanced Methods to Target and Eliminate)	CG Docket No 17-59
Unlawful Robocalls)	

**Reply Comment of the Coalition of Higher Education Assistance Organizations
in response to “Second Further Notice Of Inquiry” Of Proposed Rulemaking**

The Coalition of Higher Education Assistance Organizations (COHEAO) appreciates the continual opportunity provided to the organization to submit comments and recommendations to the FCC on ways to address the problem of unwanted calls to reassigned numbers. Specific comments will focus on the FCC’S proposed database that would contain information to aid in the identification of reassigned phone numbers and include:

1. The specific information that callers need from a reassigned database
2. The best way to make that information available to the callers that want it

COHEAO, founded in 1981, is an association of colleges, universities, and servicing organizations (billing and collections) dedicated to promoting and managing Federal campus based loan programs, institutional loans, student financial wellness, and other student financial services.

The student experience in higher education is dependent upon continual communications between the college/university and those who enroll at their institutions. Due to the sizeable population served by higher education institutions, any communication outreach generated from colleges/universities and those who partner with them needs to be done utilizing efficient and affordable means. These “student preferred” forms of communication include calls to mobile phones, and texting.

COHEAO appreciates that the Federal Communication Commission (FCC) is faced with challenges in its efforts continue to identify a workable and balanced solution to prevent unlawful robocalls and texts. The comments to the Commission reflect frustration with the fact that cell phones receive unwanted calls. But importantly, from a holistic perspective, the prevailing issue that creates the greatest percentage of complaints are clearly illegal calls made by illegitimate companies using automated dialing systems. These should be the highest priority for resolution. As the FCC seeks to eradicate unwanted calls by illegitimate businesses, it remains critical that the impact of any regulatory proposals protects the higher education

community's ability to communicate using the electronic methods that are overwhelmingly preferred by today's students.

As a precursor to addressing the specific questions outlined in the "Second Further Notice of Proposed Rulemaking," it is important to recognize that it would be impossible to assure that any database of telephone numbers will be one hundred percent accurate. An entity that has used an FCC-approved database to cross reference numbers to identify those that have been reassigned should be held harmless from any (TCPA) liability related to calling reassigned numbers that were not included in that database. Providing such a safe harbor option will not only prevent unfair lawsuits against organizations that are carrying out their legitimate business, but it will also encourage use of the best-quality databases so as to limit to the greatest extent possible calls to re-assigned numbers.

Secondly, the most practical way to eliminate multiple undesired calls to a reassigned number is for the individual who is receiving the call to communicate that the number being called is incorrect. Once informed that the call is incorrect the organization generating the call has the responsibility to tag the number accordingly to prevent future calls. No legitimate business desires to make continual calls to a number that is not associated with the intended person.

Thirdly, it is our belief that it would be prudent for the FCC to initiate a study before issuing final rules to determine the actual number of complaints filed by those individuals with reassigned numbers that received calls from legitimate businesses for legitimate purposes and compare that data against calls to reassigned numbers that were generated from unlawful businesses and organizations who do not have a legitimate reason to call. Such a study may determine that the main source of complaints associated with calls to reassigned numbers are those generated by illegitimate businesses, and resolution to this problem could be addressed in alternative ways rather than creating a reassigned database.

Critical Information Required By Callers From The Database

Communicating critical information in a timely fashion protects the interests of those who are receiving an important call. In higher education, intended communications could include information on important topics such as admissions status, current enrollment, class schedule, campus events, financial aid and loan default prevention. Any delay in the ability to relay this information could have a negative impact to the individual being called.

Conversely, there are both direct and indirect costs incurred by legitimate organizations that are attempting to make contact caused by delays in obtaining information from an FCC-sponsored reassigned number database. These databases must include information that is timely, accurate, easy to interpret, and created in an acceptable format that is easy to convert. Any matches from such a database must be provided immediately and in a seamless process to the user.

The entity submitting a phone number file to determine if any of the numbers have been reassigned has the responsibility to associate a matched number to a consumer, or in our membership's case a student or borrower.

The demographics of the population being served by COHEAO members and others in the higher education community create additional communication challenges. For example, the traditional age range of college students is between 18 and 22 years. One would expect that a high percentage of these students have mobile phone numbers that are linked to a parent billing plan whereby the owner of the mobile phone number is listed as one of the parents rather than the student. A database of reassigned numbers needs to be able to recognize this association and confirm that information to parties submitting numbers for checking against a reassigned number database.

COHEAO supports a central reassigned number database maintained or supervised by the FCC that will serve to limit mistaken calls and provide a safe harbor against lawsuits for organizations that use it to check for reassigned numbers.

COHEAO also recommends that a single submission of an individual's information to the reassigned number database should protect the submitter from being required to resubmit the number for a reasonable, established period of time, such as for 180 days after the submission.

It will be critical that the database includes in returned files the following detailed information:

- Name and demographic information linked to the number being provided.
 - The demographic information assures that when an attempt is made to contact the owner of the number the most conservative approach is utilized to prevent calls outside of reasonable times. Most organizations cross reference area codes and zip codes to determine the most conservative time, but because mobile phone numbers travel with their owner, it can be difficult to determine what time zone the person is in.
- If the ownership of the phone plan is related to the individual who is being contacted. Providing demographic information could help identify these unique situations where, for example, a students' phone falls under their parents' plan.
- Any indication that the owner of the number being provided has previously communicated his/her preference not to be called.
- The carrier who provided the number to the FCC Central Database.
- Date that the number was reassigned.
- Date that the database was refreshed.

Information Business Organizations Would Provide To The FCC

COHEAO'S membership is open to providing the necessary information to the FCC in order to ensure that databases are accurate and up to date. However, the membership, which includes institutions of higher education and their business partners such as loan servicers and collection agencies, must all comply with multiple federal regulations that protect the privacy of those who need to be contacted. Disclosure of personal and financial information creates substantial liability. The FCC's agreements with data providers and users of its central database of reassigned numbers must include provisions protecting the providers and users from liability for disclosing protected information. Such protection will be essential to creating a workable, useful database that will prevent calls to reassigned numbers.

Costs Associated With Management Of Reassigned Number Database

COHEAO previously provided comments regarding a database of reassigned numbers that includes alternatives to compensate the cost of development and management of the database. It remains our view that the proposal provided below is a reasonable method to pay for the database.

Many of the legitimate business entities that would consider utilizing the "FCC Central Reassigned Number Database" are unable to pass any potential cost to their customers or to consumers -- in our membership's case, students or borrowers. For example, federal or state regulations may prevent passing the cost of such a database to those who may be impacted. Therefore, accessing the database to identify reassigned numbers should be free to legitimate businesses.

We suggest that the cost of developing and maintaining a central database of reassigned numbers be distributed among all users of mobile phones as an assessment. Spreading the cost out to all users would require only a nominal assessment to provide the financial resource needed by the FCC to develop the database, which would benefit consumers and legitimate businesses serving them.

COHEAO would like to again express our gratitude for the opportunity to submit comments to the FCC. We look forward to continuing to work with the FCC to identify a balanced approach that protects consumers and eliminates unfair risks to legitimate businesses making calls for legitimate purposes.

Respectfully submitted,

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